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Attorney Docket No. 21379-030



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

FEB 18 2004

OFFICE OF PETITIONS

Applicant: David Victor Sahagian
Serial No.: 10/024,966
Filed: December 19, 2001
For: SYSTEM FOR AUTOMATED CONTROL AND REPORTING OF
SALES PROCESSES

Examiner: Not Yet Assigned
Art Unit: 2164

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION UNDER 37 C.F.R. §1.181(a)

Sir:

The present application was allegedly abandoned for failure to respond to the Notice to File Missing Parts. However, Applicant timely responded to the Notice to File Missing Parts. Applicant was unaware of the abandonment until the Notice of Abandonment, dated January 12, 2004, was received in response to a Status Inquiry. Hence, Applicant hereby petitions for withdrawal of the holding of abandonment as indicated by the Notice of Abandonment mailed January 12, 2004.

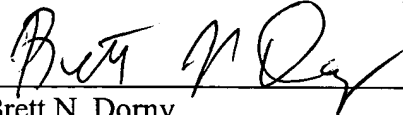
Applicant provides herein a showing to establish a timely response to the Notice to File Missing Parts. MPEP 711.03(c). The present application was filed on December 19, 2001. A Notice to File Corrected Application Papers, mailed January 28, 2002, granted a period of two

months to submit substitute drawing sheets with correct margins and line quality. On March 27, 2002, applicant's representative submitted a Response to the Notice to File Corrected Application Papers, with the substitute drawings. A copy of the response is attached hereto as Exhibit A. The response was sent by Express Mail. A postcard was also enclosed with the response and was returned by the Patent and Trademark Office. A copy of the postcard indicating reception of the Response effective March 27, 2002 is attached hereto as Exhibit B.

On November 24, 2003, applicant's representative submitted a Status Inquiry since no action had yet been received in the application. In response to the Status Inquiry, a Notice of Abandonment was mailed January 12, 2004. The Notice of Abandonment indicated that the application had been abandoned for failure to respond to the Notice to File Missing Parts mailed January 28, 2002. The only Notice mailed January 28, 2002, as received by applicant, was the Notice to File Corrected Application Papers. A complete application, including the specification, claims, abstract, drawings, declaration and filing fee, was submitted on December 19, 2001. Thus, presumably, the Notice of Abandonment is referencing the Notice to File Corrected Application Papers. That Notice was properly responded to within the set time period. Accordingly, the Notice of Abandonment is improper and should be withdrawn.

Applicant believes the foregoing is an adequate showing for withdrawal of the holding of abandonment for failure to receive an Office Action. Should the Examiner or Group Art Unit wish to discuss the present application, they are invited to telephone the undersigned attorney at the number provided.

Respectfully submitted,



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Date: February 12, 2004

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